

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. PCT/GB2004/004184	International filing date (day/month/year) 01.10.2004	Priority date (day/month/year) 04.10.2003	
International Patent Classification (IPC) or both national classification and IPC G03C7/392			
Applicant EASTMAN KODAK COMPANY			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Magrizos, S Telephone No. +31 70 340-2674
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITYInternational application No.  
PCT/GB2004/004184

IAP20 Rec'd PCT/PTO 31 MAR 2006

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Box No. I Basis of the opinion

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2004/004184

**Box No. II Priority**

1.  The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	18,19,22
	No: Claims	1-17,20,21,23-26
Inventive step (IS)	Yes: Claims	18,19,22
	No: Claims	1-17,20,21,23-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V.**

1 The following documents are referred to in this communication:

- D1 : JP 61 256345 A (KONISHIROKU) 13 November 1986 (1986-11-13)
- D2 : EP 0 724 194 A (FUJI) 31 July 1996 (1996-07-31)
- D3 : EP 0 450 965 A (KONICA) 9 October 1991 (1991-10-09)
- D4 : GB 2 110 832 A (AGFA-GEVAERT) 22 June 1983 (1983-06-22)
- D5 : EP 0 258 662 A (FUJI) 9 March 1988 (1988-03-09)
- D6 : GB 2 328 755 A (KODAK) 3 March 1999 (1999-03-03)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document) a colour photographic element comprising one light-sensitive silver halide emulsion layer and a non-light sensitive layer, in which element a colourless imidazole compound according to formula (I) is contained (page 3, compound 1-page 4, compound 24; page 5, left-hand column, lines 12-17).

2.2 Documents D2-D6 also disclose these aspects. See page 10, compound (A-27); page 11, compounds (A-29), (A-31); page 59, Table 2 of D2; page 3, line 17-page 4, line 33; page 9, lines 18-21 of D3; page 3, compound 4; page 5, lines 20-29 of D4; page 13, compounds (I-27), (I-29); claim 1 of D5; page 7, lines 27-29; claims 1, 11 of D6.

3 INDEPENDENT CLAIM 25

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 25 is not new in the sense of Article 33(2) PCT.

Documents D1-D6 also disclose a multicolour photographic element comprising an element according to present claim 1. See passages mentioned in point 2 above.

**4 INDEPENDENT CLAIM 26**

4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 26 is not new in the sense of Article 33(2) PCT. Documents D1-D6 also disclose a process for forming an image in an element according to present claim 1. See passages mentioned in point 2 above.

**5 DEPENDENT CLAIMS 2-17, 20, 21, 23, 24**

Dependent claims 2-17, 20, 21, 23, 24 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

**Re Item VII.**

6 The attention of the applicant is drawn to the following linguistic/spelling errors:

- a. on page 2, line 23: "...JP 1-050047..."
- b. on page 27, line 14: "used throughout this..."
- c. on page 37, line 11: "...tellurotetrazoles..."
- d. on page 46, line 5: "...are not to be..."
- e. on page 47, line 23: "...benzyl..."
- f. on page 48, line 4: "...coverages..."

7 The attention of the applicant is drawn to the statements of incorporation by reference at the following points:

- a. on page 31, lines 8-9
- b. on page 31, lines 16-17
- c. on page 32, lines 24-25
- d. on page 36, line 31
- e. on page 59, lines 8-9

**Re Item VIII.**

**8 CLARITY**

8.1 The vague and imprecise statement in the description on page 59, lines 10-12 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.

8.2 Present claim 9 cannot depend on claims 1-7, because the group Q appears at first in claim 8.

8.3 Present claims 20, 21 cannot depend on claims 9-14, because the groups R2, R3, R4 appear at first in claim 15.

8.4 Claims 1 (the statement "that undergoes less...without the compound"), 2, 6 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.